

MINUTES

MONTANA SENATE 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN WILLIAM CRISMORE**, on March 29, 2001
at 8:00 A.M., in Room 317-C Capitol.

ROLL CALL

Members Present:

Sen. William Crismore, Chairman (R)
Sen. Dale Mahlum, Vice Chairman (R)
Sen. Vicki Cocchiarella (D)
Sen. Mack Cole (R)
Sen. Lorents Grosfield (R)
Sen. Bea McCarthy (D)
Sen. Ken Miller (R)
Sen. Glenn Roush (D)
Sen. Bill Tash (R)
Sen. Mike Taylor (R)
Sen. Ken Toole (D)

Members Excused: None.

Members Absent: None.

Staff Present: Melissa Rasmussen, Committee Secretary
Mary Vandebosch, Legislative Branch

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: None
Executive Action: HB 573; HB 572; HB 495; HB
605; HB 457

EXECUTIVE ACTION ON HB 573

Motion: SEN. MCCARTHY moved that HB 573 BE CONCURRED IN.

Motion/Vote: SEN. MCCARTHY moved that AMENDMENTS HB057303.AMV EXHIBIT(nas71a01) BE ADOPTED.

Mary Vandenbosch explained that the amendments cause the bill to become effective only when a record of decision had been signed.

VOTE: Motion carried 11-0.

The committee began discussion on amendments HB057302.amv EXHIBIT(nas71a02). REP. KEITH BALES, HD 1, Otter told the committee the intent was to do something with the water used in production of coal bed methane.

SEN. MACK COLE asked if the proposed amendments would conflict with amendments HB057303.amv. REP. BALES stated they would not because of the effective date.

CHAIRMAN BILL CRISMORE asked if the coal bed methane would be allowed on government owned or tribal lands. REP. BALES informed him the bill excludes tribal lands.

SEN. LORENTS GROSFIELD questioned if the amendments offered enough protection. He wondered if subsurface lands or the Seeded Strip would become an issue. He stated that the amendments do not clarify which lands are being discussed. He asked if the bill would go to a conference committee regardless of what the committee decided. REP. BALES told him if the legal problems could be eliminated there would be no need to do that. However, there are issues about boundaries that need to be resolved.

SEN. COLE stated that on the Seeded Strip the coal bed methane is not tied to the land. He declared it is not under tribal authority.

SEN. GLENN ROUSH declared that the issue of fee patent land on the reservations needs to be addressed. He stated it is important to protect the people who operate those lands. He stated that the bill needs to be amended to encompass those lands.

Motion/Vote: SEN. MCCARTHY moved that AMENDMENTS HB057302.ALM BE ADOPTED. Motion failed 1-10 with Mahlum voting aye.

Motion: SEN. TOOLE moved that **AMENDMENTS HB057301.AMV EXHIBIT(nas71a03)** BE ADOPTED.

Discussion:

SEN. KEN TOOLE declared that the amendments clarify what the water can be used for.

SEN. BILL TASH stated that it is not the opportune time to pass this amendment.

SEN. MIKE TAYLOR argued there is not a contentious enough amendment on the bill to send it to a conference committee.

SEN. TASH pointed out that it does have amendments.

SEN. VICKI COCCHIARELLA maintained that **SEN. TAYLOR** had a good point. She stated that the water issue should not be a big deal.

Vote: Motion carried 5-4 with Crismore, Mahlum, Cole, Tash voting no.

Motion: SEN. COLE moved that **AMENDMENTS EXHIBIT(nas71a04)** BE ADOPTED.

Discussion:

REP. BALES explained that the amendments ensure that the methane companies are liable for water preservation. They must make sure that the water is not wasted.

Ms Vandebosch pointed out that amendments two and three were already stricken. She stated that the definition in the first amendment needs to be amended in title 85 if it is adopted.

SEN. COLE proclaimed that the definition would tie it back in with other mining operations. He withdrew number two and number three.

Vote: Motion that **AMENDMENT ONE BE ADOPTED** carried 9-2 with Cocchiarella, Toole voting no.

Motion/Vote: SEN. COLE moved that **HB 573 BE CONCURRED IN AS AMENDED**. Motion carried 11-0.

EXECUTIVE ACTION ON HB 572

Motion: SEN. COLE moved that HB 572 BE CONCURRED IN.

Motion/Vote: SEN. COLE moved that AMENDMENTS HB07204.ALM
EXHIBIT(nas71a05) BE ADOPTED. Motion carried 11-0.

Motion/Vote: SEN. COLE moved that HB 527 BE CONCURRED IN AS
AMENDED. Motion carried 9-2 with Taylor, Toole voting no.

SEN. TAYLOR questioned if the \$400,000 put in the bill for mitigation would be enough. He expressed his concern that the state would get behind in payments if they had a lot of claims

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EXECUTIVE ACTION ON HB 495

Motion: SEN. COLE moved that HB 495 BE CONCURRED IN.

Motion: SEN. CRISMORE moved that AMENDMENTS HB049502.AMV
EXHIBIT(nas71a06) BE ADOPTED.

Discussion:

Ms Vandembosch informed the committee that the sponsor wanted to strike amendments number 5 and 7. Also on page 2, strike subsection 2 of amendment number 13.

SEN. COLE asked for details on the amendments. REP. ALAN OLSON, HD 8, Roundup, pronounced there was a fear that the staff would not have time to work with the Office of Surface Mining on the contingency clause.

SEN. TOOLE argued it was an incorrect interpretation. He charged the language was needed so the federal government would not terminate their relationship with Montana.

SEN. TAYLOR questioned if the federal government told the committee that striking the language would jeopardize their relationship with Montana. CHAIRMAN CRISMORE said that it could. The bill needs to be passed. These issues could be worked on later.

SEN. DALE MAHLUM argued that the informational witness, Mr. Padgett should have been an opponent.

CHAIRMAN CRISMORE segregated amendments number 5 and 7.

SEN. COLE questioned if taking out section 2 of 13 would be okay.

Ms Vandembosch stated if the Office of Surface Mining disapproves of the changes the law would become invalid.

Vote: Motion that **AMENDMENTS HB049502.AMV MINUS 5 AND 7 BE ADOPTED** carried 10-0.

Motion/Vote: **SEN. COLE** moved that **HB 495 BE CONCURRED IN AS AMENDED**. Motion carried 8-3 with Cocchiarella, McCarthy, Toole voting no.

EXECUTIVE ACTION ON HB 605

SEN. COCCHIARELLA handed out a copy of non-edited amendments **EXHIBIT (nas71a07)**. She informed the committee that she eliminated the language that makes reference to economically and reasonable. She argued that the language conflicts with the review process.

Motion: **SEN. MCCARTHY** moved that **HB 605 BE CONCURRED IN**.

Motion: **SEN. COCCHIARELLA** moved that **AMENDMENTS (EXHIBIT 7) BE ADOPTED**.

Discussion:

SEN. GROSFIELD questioned how the language on page 2, line 25 should read. **SEN. COCCHIARELLA** stated it should read, "is reasonably achievable with current technology". **SEN. GROSFIELD** asked her to clarify her motion. **SEN. COCCHIARELLA** informed him she was going to adopt the language that industry requested.

Substitute Motion: **SEN. MILLER** moved that **HB 605 BE TABLED**.

SEN. MILLER withdrew his motion for purposes of comment.

SEN. MCCARTHY commended **SEN. COCCHIARELLA** for the work she put into resolving this issue. She argued that changing the effective date may solve some of the problems

SEN. MILLER argued that the bill is not going to go anywhere.

SEN. GROSFIELD declared it is important to keep pressure on the people to solve the issue.

Substitute Motion/Vote: SEN. MILLER made a substitute motion that HB 605 BE TABLED. Substitute motion failed 4-6 with Miller, Roush, Tash, Toole voting aye.

SEN. COCCHIARELLA changed amendments number seven and fourteen back to their original form, remove the words reasonably and economically. She argued that number 21 was adopting a close form of MAPA. Add the language, "at least 25 or whichever's less".

Ms Vandenburg warned that number four would make the title inaccurate. SEN. COCCHIARELLA withdrew number four. Ms Vandenburg suggested removing the third strike in amendment number four. SEN. COCCHIARELLA agreed with removing that strike.

Motion/Vote: SEN. COCCHIARELLA moved that AMENDMENTS BE ADOPTED. Motion carried 11-0.

Motion/Vote: SEN. MCCARTHY moved that AMEND THE EFFECTIVE DATE TO READ MAY 1, 2003 BE ADOPTED. Motion failed 9-2 with Miller, Roush voting aye.

Motion/Vote: SEN. GROSFIELD moved that HB 605 BE CONCURRED IN AS AMENDED. Motion carried 7-4 with Miller, Roush, Tash, Toole voting no.

EXECUTIVE ACTION ON HB 457

Motion/Vote: SEN. MILLER moved that HB 457 BE CONCURRED IN. Motion failed 5-6 with Crismore, Mahlum, Miller, Roush, Taylor voting aye.

ADJOURNMENT

Adjournment: 9:10 A.M.

SEN. WILLIAM CRISMORE, Chairman

MELISSA RASMUSSEN, Secretary

WC/MR

EXHIBIT (nas71aad)